

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4274

IN THE MATTER OF:

Served April 15, 1994

Application of SAMUEL DAVID                    )  
BARNHART, Trading as DESTINATIONS            )  
BUS SERVICE, for a Certificate                )  
of Authority -- Irregular Route               )  
Operations                                        )

Case No. AP-94-15

By application filed April 13, 1994, Samuel David Barnhart, trading as Destinations Bus Service, (DBS or applicant), a sole proprietor, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

The application includes information regarding, among other things, applicant's facilities, proposed tariff, finances, and regulatory compliance record. The application is available for inspection at the office of the Commission during its regular business hours.

Applicant proposes commencing operations with a 46-passenger motorcoach, 25-passenger minibus, and 15-passenger van. Applicant's proposed tariff contains flat rates for airport transfer service and hourly rates, with minimum charges, for charter service.

Applicant's street address is outside the Metropolitan District.<sup>1</sup> Applicant will be directed to file a statement designating an agent inside the Metropolitan District for service of process.

Applicant's proposed tariff contains rates for service outside the Metropolitan District and omits rates for service in the 15-passenger van. Applicant will be directed to file an amended tariff omitting rates for service outside the Metropolitan District and including rates for service in the 15-passenger van.

It is noted that applicant's charter rates for lectured service are the same as the rates for nonlectured service. Before filing the amended tariff, applicant should consider removing this distinction, or specifying a rate for lectured service which differs from that specified for nonlectured service. Further, applicant should consider incorporating the 7 percent insurance surcharge directly in the applicable rates, instead of listing it separately.

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<sup>1</sup> The Metropolitan District is defined in the Compact, Title I, Article I, to include: DC, Alexandria, Falls Church, Arlington County and Fairfax County, the political subdivisions located within those counties, Montgomery County and Prince George's County in Maryland, and the political subdivisions located within those counties.

In determining whether to grant or deny an application for a certificate of authority, the Compact at Title II, Article XI, Section 7 requires that the Commission determine whether an applicant is fit, willing, and able to perform the transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and whether the transportation is consistent with the public interest. Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of DBS's application for a certificate of authority.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than April 25, 1994, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than May 23, 1994, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.


3. That applicant shall file with the Commission, no later than April 25, 1994, an original and four copies of a statement designating an agent inside the Metropolitan District for service of process.

4. That applicant shall file with the Commission, no later than April 25, 1994, an original and four copies of an amended tariff omitting rates for service outside the Metropolitan District and including rates for service in the 15-passenger van.

5. That any person wanting to protest the application, in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), and any person wanting to comment on the application, in accordance with Regulation No. 54-04(a), shall file such protest or comment at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than May 23, 1994, and shall simultaneously serve a copy of such protest or comment on applicant, Mr. Samuel David Barnhart, trading as Destinations Bus Service, 103 Wrightwood Place, Sterling, VA 20164-1130.

6. That any person seeking a formal oral hearing on this matter, in accordance with Commission Regulation No. 54-04(b), shall request one no later than May 23, 1994, and shall simultaneously serve a copy of such request on applicant, Mr. Samuel David Barnhart, trading as Destinations Bus Service, 103 Wrightwood Place, Sterling, VA 20164-1130.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Acting Executive Director